

Posted: February 16, 2016
4:00 PM
Natalie White
Revised: February 17, 2016
4:34 PM
Natalie White
Revised: February 18, 2016
Natalie White
12:00 PM
Revised: February 22, 2016
11:30 AM
Donna Nickerson
Revised: February 22, 2016
3:00 PM
Donna Nickerson

BEFORE THE PUBLIC SERVICE COMMISSION

AGENDA

February 23, 2016

***THIS MEETING WILL NOT BE CONDUCTED BY VIDEOCONFERENCE.
THIS MEETING WILL BE VIDEO STREAMED LIVE AT 1:00 PM.***

- I.** Call Meeting to Order - **1:00 PM**, Dover
- II.** **Reading of the Meeting Minutes**
- [February 4, 2016](#) (Public Session)
 - February 4, 2016 (Executive Session)
- III.** **CONSENT AGENDA:**
1. IN THE MATTER OF THE PROVISION OF STANDARD OFFER SUPPLY TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY (FILED APRIL 1, 2015) - PSC DOCKET NO. 15-0889
-
- Commission to consider:
- [Proposed Order No. 8850](#) ratifying Commission Order No. 8795 after the publication of notice pursuant to Amended Order 8731.
2. IN THE MATTER OF THE PETITION OF THE RETAIL ENERGY SUPPLY ASSOCIATION (RESA) TO IMPLEMENT A PURCHASE OF RECEIVABLES PROGRAM IN DELAWARE. (FILED JANUARY 21, 2016) - PSC DOCKET NO. 16-0112
-

Commission to consider:

- [Proposed Order No. 8851](#) which would grant the Motion for Admission Pro Hac Vice for Brian R. Greene, Esquire.

3. IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFFS (FILED JANUARY 27, 2016) - PSC DOCKET NO. 16-0120

Commission to consider:

- Application (PREVIOUSLY SENT)
- [Letter](#) filed by Delmarva Power & Light Company's attorney.
- [Staff Memorandum](#)
- [Proposed Order No. 8853](#) which would approve Delmarva Power & Light Company's QFCP-RC Compliance filing for the March 2016 rate.

IV. REGULAR AGENDA:

1. IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION FOR APPROVAL OF NEW RATE SCHEDULE "TLFF" CALLED TOWN OF LAUREL FRANCHISE FEE RIDER (FILED JANUARY 29, 2016) - PSC DOCKET NO. 16-0123

Commission to consider:

- [Application](#)
- [Proposed Order No. 8852](#) which would open the docket, set certain deadlines, and issue a form of public notice to address Chesapeake Utilities Corporation's application for a new rate schedule called "Town of Laurel Franchise Fee Rider" ("TLFF").

2. IN THE MATTER OF THE NOTICE OF POTENTIAL VIOLATION OF 26 DEL. ADMIN. C. §8001 AND ASSOCIATED CIVIL PENALTIES ASSESSED TO CHESAPEAKE UTILITIES CORPORATION (OPENED NOVEMBER 6, 2015) - PSC DOCKET NO. 15-1539

Commission to consider:

- [Proposed Order No. 8849](#) which would approve a proposed consent agreement regarding a pipeline safety matter and proposed penalties assessed to Chesapeake Utilities Corporation.

3. IN THE MATTER OF THE PETITION OF THE RETAIL ENERGY SUPPLY ASSOCIATION (RESA) TO IMPLEMENT A PURCHASE OF RECEIVABLES PROGRAM IN DELAWARE. (FILED JANUARY 21, 2016) - PSC DOCKET NO. 16-0112
-

Commission to consider:

- [****Delmarva Power & Light Company's Petition to Intervene.**](#)
 - [RESA Petition](#)
 - [Motion](#) and [Proposed Order No. 8856](#) of PSC Staff Requesting that Commission Deny Petition of RESA.
- **THIS ITEM WAS A LATE ADDITION TO THE AGENDA AFTER THE INITIAL POSTING DATE BECAUSE IT BEARS SIGNIFICANCE TO OTHER ITEMS PRESENTED TO THE COMMISSION.**

4. IN THE MATTER OF THE OBJECTIONS OF SUEZ WATER DELAWARE (FORMERLY UNITED WATER DELAWARE), TIDEWATER UTILITIES, INC., AND COMMISSION COUNSEL TO THE PRODUCTION OF CERTAIN DOCUMENTS IN RESPONSE TO FREEDOM OF INFORMATION ACT REQUESTS OF ARTESIAN WATER COMPANY, INC. (FILED DECEMBER 17, 2015; WITHDRAWN JANUARY 5, 2016; REFILED JANUARY 6, 2016) AND TIDEWATER UTILITIES, INC. (FILED DECEMBER 30, 2015; AMENDED JANUARY 5, 2016)
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Commission to consider:

- [Request of Artesian Water Company, Inc.](#) (FILED DECEMBER 17, 2015; WITHDRAWN JANUARY 5, 2016; REFILED JANUARY 6, 2016) for certain information pursuant to Delaware's Freedom of Information Act ("FOIA").
- [Request of Tidewater Utilities, Inc.](#) (FILED DECEMBER 30, 2015; AMENDED JANUARY 5, 2016) for certain information pursuant to Delaware's Freedom of Information Act ("FOIA").
- Objection to production of certain documents and proposed redactions of Suez Water Delaware (FORMERLY UNITED WATER DELAWARE).
- Objection to production of certain documents and proposed redactions of Tidewater Utilities, Inc.
- [Response of Artesian Water Company, Inc.](#)
- Documents at issue, with [legal memorandum and redactions proposed by Counsel to Commission.](#)

NOTE: The Commission may enter into an executive session pursuant to 29 DEL. C. §10004(B) (6) for this item (discussion of the content of documents, that may be excluded from the definition of "public record" in 29

Del. C. §10002 where such discussion may disclose the contents of such documents).

5. IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY, EXELON CORPORATION, PEPSCO HOLDINGS, INC., PURPLE ACQUISITION CORPORATION, EXELON ENERGY DELIVERY COMPANY, LLC AND NEW SPECIAL PURPOSE ENTITY FOR APPROVALS UNDER THE PROVISIONS OF 26 DEL. C. §§ 215 AND 1016 (FILED JUNE 18, 2014) – PSC DOCKET 14-193
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Commission to consider:

- Amended Settlement Agreement (PREVIOUSLY SENT)
- [Dr. Jeremy Firestone's Motion for a Cease and Desist Order](#) Restraining the Delaware Division Of Public Advocate from Taking Actions Antagonistic To The Amended Settlement Agreement.
- [Hearing Examiner's Order No. 8844.](#)
- [Motion to Quash, Vacate and Set Aside Unlawful Hearing Examiner Stay Order.](#)
- [Dr. Jeremy Firestone's Petition for an Interlocutory Review](#) of the Hearing Examiner's Unlawful Actions.
- [Joint Applicants' Response](#) in Opposition to Intervenor Jeremy Firestone's Motion for Cease and Desist Order and Motion to Vacate and Set Aside Stay Order.
- Delaware Public Service Commission [Staff's Response](#) to Jeremy Firestone's Motion for a Cease & Desist Order.
- The [Division of the Public Advocate's Opposition](#) to the Motion of Intervenor Jeremy Firestone for Cease and Desist Order Restraining the Delaware Division of the Public Advocate From Taking Actions Antagonistic to the Amended Settlement Agreement.
- [Response of Dr. Jeremy Firestone.](#)
- [**Legal Memorandum Concerning Firestone Petition for Interlocutory Review and Related Filings.](#)

****THIS ITEM WAS ADDED AS A LATE ITEM AFTER THE INITIAL POSTING OF THE AGENDA BECAUSE MEMORANDUM WAS NOT READY UNTIL TODAY.**

V. HEARING SCHEDULE:

1. IN THE MATTER OF THE ADOPTION OF RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF 26 DEL. C. CH. 10 RELATING TO THE CREATION OF A COMPETITIVE MARKET FOR RETAIL ELECTRIC SUPPLY SERVICE (OPENED APRIL 27, 1999; RE-OPENED JANUARY 7, 2003; RE-OPENED SEPTEMBER 22, 2009; RE-OPENED SEPTEMBER 7, 2010; RE-OPENED JULY 17, 2012) - PSC REGULATION DOCKET NO. 49
****THIS ITEM MUST BE ADDED TO THE AGENDA AFTER THE POSTED DATE BECAUSE HEARING WAS OMITTED OFF OF THE AGENDA BUT HAD BEEN ALREADY PUBLICLY NOTICED.**
 2. IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION FOR APPROVAL OF A CHANGE IN ITS ENVIRONMENTAL RIDER RATE "ER" TO BE EFFECTIVE DECEMBER 1, 2015 - PSC DOCKET NO. 15-1516
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Commission to consider:

- [Proposed Order No. 8855](#)
- [Exhibit Log](#) and Exhibits:
 - [Application of Chesapeake Utilities Corporation](#) for a change in its Environmental Rider Rate "ER" with cover letter, certificate of service, draft public notice, proposed tariff sheets, direct testimony of Sarah e. Hardy with attachments SEH-1 (REDACTED & CONFIDENTIAL), SEH-2, SEH-3, AND SEH-4.
 - [Affidavit of Publication](#) for notice of application, notice of deadline to intervene and file written comments, and notice of Evidentiary Hearing
 - [Direct Testimony of Jason Smith](#)

VI. PUBLIC COMMENT

VII. DIRECTOR'S COMMENTS:

Administrative Matters:

- DNREC Division of Energy and Climate consultation with the Commission in accordance with 26 Del. C. §354 (i) and (j)
 - [Memorandum](#) and [Cost Cap Appendices](#)
- Staff to discuss with the Commission the status of pending litigation, Bonar v. Delaware Department of Natural Resources and Environmental Control, No. N16A-01-007 FSS, and obtain Commission guidance.
NOTE: The Commission may enter into an executive session pursuant to 29 Del. C. §10004 (b) (4) for this item as this discussion will address pending litigation and legal advice or an opinion from an attorney-at-law with respect to pending litigation, and discussion during the open meeting would have an adverse effect on the Commission's litigation position.
- March 8, 2016, Commission Meeting.

N O T I C E

Pursuant to 29 Del. C. §10004(e) (2), this Agenda may be changed to include additional items including executive sessions or to delete items that arise at the time of the Commission meeting.

Commission Staff or other parties may provide the Commission with Proposed Orders to help expedite the administrative process; however, the Commission will consider each Agenda item independently, determine any appropriate actions and may approve, revise or reject any Proposed Orders consistent with the Commission's determination.

During the Meeting, an executive session closed to the public may be called for certain purposes, including, but not limited to, strategy sessions to discuss pending or potential litigation, discussions of confidential documents, and certain personnel matters.

Items marked with an "***" were added following the initial Agenda posting. An explanation for their addition to the Agenda is included following the description of the particular item.

Interested persons should contact the Commission at 1-800-282-8574 (within Delaware) for information or questions about the Agenda. The Agenda may also be viewed, after posting, at the Commission's Internet website found at dep.sc.delaware.gov.